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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,914	12/31/2001	Pertti Elonen	PB103101	6081

466	7590	05/12/2006

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EXAMINER
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ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-19,24,26-29 and 31-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-19,24,26-29 and 31-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This application has been examined. Claims 1,3-19,24,26-29,31-37 are pending.

Priority

This application claims benefits of priority from Foreign Application filed March 3,2001.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Claim 31 cites a limitation indicating an HTTP response wherein the first response portion is sent at a first time instant, and a plurality of subsequent responses send at subsequent time instants, with *a non-zero time amount between the first and subsequent responses*, wherein the plurality of subsequent responses are free of *any* header information.

Therefore, the indicated features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,3-19,24,26-29,31-37 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 24,29,31 recite limitation wherein the second response is _free of any header information._ The Examiner notes that it would be impossible to route any data to the destination client without any type of header information.

Furthermore, Claim 29 is describing 'a computer readable medium _tangibly_ storing a computer program...'. The word 'tangibly' is not in the Applicant Specification, and the Applicant specifications do not provide any written description regarding said 'tangibly storing'.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites a limitation 'wherein at least one of said third portions contains only carriage return and/or linefeed characters'. The term 'and/or' renders the claims indefinite because it does not specifically cite the contents of the said third portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 9, 11, 12, 20, 24, 28, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (Hall, Eric; Internet Core Protocols: The Definitive Guide) in view of Wong   (Wong, Clinton; HTTP Pocket Reference).

Regarding claims 1, 24, 29 and 30 Hall discloses a method, system and computer program product stored on a computer readable medium for a system for transferring data to a client using a certain packet data connection (Chapter.7: The Transmission Control Protocol), said method comprising the steps and system comprising means of receiving only one request, which is according to a certain data transfer protocol and specifies a certain information entity (7.1.4.2   Opening a circuit). Hall teaches an HTTP server receiving a request from an HTTP client for a document,

said document constituting a certain information entity. Hall does not specifically teach that the request is according to a certain data transfer protocol, however, Hall identifies the client and server as "HTTP client" and "HTTP server".

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention that the server and client as taught by Hall are communicating according to a data transfer protocol, specifically HTTP, because of the names by which they are identified, and sending, using said packet data connection, at a first time instant to said client a first portion of a response according to said data transfer protocol, said client after receipt of said first portion being arranged to accept further at least a further response (7.1.4.2 Opening a circuit). Hall teaches the HTTP server acknowledging the request from the HTTP client, and further teaches the HTTP client acknowledging the server's acknowledgement. The acknowledgement sent by the server constitutes a first portion of a response. The acknowledgement of the client constitutes the client being arranged to accept further responses. After the exchange of acknowledgements the client is ready to receive data from the server, said data would constitute a further response to the client, sending, using said packet data connection, at sequential second time instants to said client a plurality of second portions of a response, each of said second portions comprising an information fragment of said information entity (7.1.5 Network 110 Management) and a header (7.1.5.4 Header size considerations). Hall teaches bundling portions of data into segments and sending the segments to the client, these segments constitute a plurality of second portions of a

response. Hall further teaches each segment having header information. The headers as taught by Hall comprise computer language instructions for processing said information fragment (7.2 The TCP Header). Hall does not specifically enumerate headers within the data transfer protocol. Hall teaches the time period between the first time instant and the earliest second time instant is at maximum a certain first predetermined time period, and a time period between two sequential second time instants and between two sequential time instants of the second and third time instants is at maximum a certain second predetermined time period (7.1.6.2. sidebar in paragraphs 6-8 regarding "fall back timer", 7.1.7.4 Acknowledgment timers). Hall teaches an acknowledgment timer which sets a maximum allowable time between a transmission from a sender and the acknowledgement from the receiver. If the time limit is exceeded the sender will retransmit, therefore establishing a maximum time period between transmissions from the sender. Furthermore, Hall teaches a fall-back timer such that if the time limit of the fall back time is exceeded, the sender will transmit a probe to the receiver, thereby establishing a second maximum time period between transmissions.

Wong teaches HTTP headers (1.5.Headers). It. would have been obvious to combine the HTTP headers of Wong with the TCP headers of Hall, in order to gain the advantage of transmitting information about the server that is transmitting response, as taught by Wong.

Regarding claim 27, the limitations of these claims have already been addressed within the rejection of claim 1.

Regarding claims 3, 22 and 26, Hall teaches sending, using said packet data connection,at sequential third time instants to said client a plurality of third portions of a response, said third portions containing no information fragments specific to said information entity (7.1.6.2. sidebar in paragraphs 6-8 regarding "fall back timer"). Hall teaches sending a probe that constitutes a third portion and does not transmit data to the receiver.

Regarding claims 9, 11, 12 and 20, Hall teaches said packet data connection is a Transfer Control Protocol connection (Chapter 7: The Transmission Control Protocol), said data transfer protocol is Hypertext Transfer Protocol, said request is a Hypertext Transfer Protocol Request, the response, whereof said first portion constitutes a part, is a Hypertext Transfer Protocol Response and said first portion leaves Content-Length field value unknown. Wong teaches an unknown value in the Content-Length field (1.9 Retrieving Content).

Regarding claim 28, Hall teaches said system resides on a server (7.1.4.2 Opening a circuit). Hall teaches an HTTP server as noted in claims 1, 24, 29 and 30 above.

Claim Rejections - 35 USC § 103

Claims 13-16, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall and Wong as applied to claim 1 above, and further in view of Kennedy (Kennedy, Bill; Musciano, Chuck; HTML & XHTML: The Definitive Guide, 4" Edition).

Regarding claims 13-16, 21 and 23, Kennedy teaches said computer language is a scripting language, scripting tags constitute said computer language instructions, and said scripting language is JavaScript, VBScript or JScript (12.3. JavaScript) and said client is a browser program (1.2,1.Client, Servers, and Browsers). Kennedy teaches that JavaScript statements may occur any place in a document, either as blocks of code or single statements. The documents taught by Kennedy are retrieved by a client from a server; substantially in the same way the applicant's invention transfers data to the client. It would have been obvious to include JavaScript statements in the second portion of the response of Hall in view of Wong in order to gain the advantage of generating dynamic content as taught by Kennedy. Kennedy teaches browsers which run on client computers and communicate with web servers in order to receive data.

Claim Rejections - 35 USC § 103

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall and Wong as applied to claim 1 above, and further in view of Eckstein (Eckstein, Robert; XML PocketReference).

Regarding claims 17-19 Hall in view of Wong does not specifically enumerate said computer language is Extensible Markup Language (hereafter referred to as "XML"), XML elements constitute said information fragments, and said first portion comprises starting headers of an XML document, however, Wong teaches responding to the client with data regarding the type of document on the server, and further specifies the document type to be HTML (1.2.2. Responses). Eckstein teaches XML as a replacement for HTML, in particular for nonstatic web pages (Chapter 1-XML Pocket Reference). It would have been obvious to combine the XML of Eckstein with the responses of Wong in order to gain the advantages of XML including the freedom to create and format individual document markups as needed by the creator of the document, as taught by Eckstein. 12.

Response to Arguments

Applicant's arguments filed 02/13/2006 have been fully considered but they are not persuasive.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6892240 B1 Nakajima; Kazuaki - data cells are transferred between the server and the client through the upstream connection and the downstream connection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
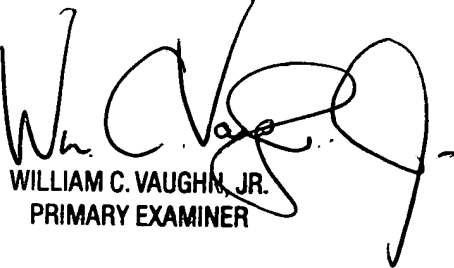
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

gcb

WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER